

2160 SYSC SERVICES FOR DETAINED YOUTH

Chapter: **Sununu Youth Services Center**

Section: **Clinical and Classification**



New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **19-01**

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Approved:

Joseph E. Ribsam, Jr., DCYF Director

Related Statute(s): [RSA 621](#) and [RSA 621-A](#)
Related Admin Rule(s):
Related Federal Regulation(s): [28 CFR Part 115](#)
PREA Standards 115.378 (a), 378 (b), 378 (c), 378(d), 378 (e), 378 (f), and 378 (g)

Related Form(s): **FORM 2130, FORM 2131 and FORM 2197**
Bridges' Screen(s) and Attachment(s):

Everyone deserves to be safe. Youth ordered detained at SYSC by a New Hampshire juvenile or family court shall be provided safe and secure residential care that includes supervision, education, and rehabilitative programs. In addition, SYSC provides a spectrum of individual and group services to best prepare youth for return to their communities as productive citizens.

Purpose

This policy establishes residential and educational services for detained youth at SYSC.

Definitions

"CC" or **"Clinical Coordinator"** means the master level clinical therapist assigned to each youth at SYSC to conduct mental health and behavioral assessment, facilitate individual and family and group therapy, diagnose mental health conditions via DSM5, create Focal Treatment planning for each youth monitor and report progress to the Treatment Team, the Court, and the Juvenile Parole Board.

"DCYF" or the **"Division"** means the Department of Health and Human Services' Division for Children, Youth and Families.

"Detention" means the care of a youth, as ordered by a NH court, in the architecturally secure SYSC while awaiting further action by a court.

"PREA" or **"Prison Rape Elimination Act"** means the standards enacted on August 20th, 2012 and enforced by the U.S. Department of Justice to eliminate prison rape pursuant to the Prison Rape Elimination Act of 2003.

"Sexual Abuse" for the purposes of this policy includes:

- (1) *Sexual abuse of a committed or detained youth by committed or detained youth* means any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuses:
 - a. Contact between the penis and the vulva, or the penis and the anus, including any degree of penetration;
 - b. Contact between the mouth and the penis, vulva, or anus;

- c. Any degree of penetration of the anal or genital opening of another person, by a hand, finger, object, or other instrument; and
 - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- (2) *Sexual abuse of a committed or detained youth by a staff member, contractor, or volunteer* includes any of the following acts, with or without consent of the committed or detained youth:
- a. Contact between the penis and the vulva, or the penis and the anus, including any degree of penetration;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - d. Any degree of penetration of the anal or genital opening, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in sections (a) through (e) of this definition;
 - g. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a committed or detained youth; and
 - h. Voyeurism, meaning an invasion of privacy of a committed or detained youth by staff, contractor, or volunteer for reasons unrelated to official duties, such as: peering at a youth who is using a toilet to perform bodily functions; requiring a youth to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a youth's naked body or of a youth performing bodily functions.

"Sexual Harassment" for the purposes of this policy means:

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by a committed or detained youth toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to a committed or detained youth by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

"Sexual Misconduct" means an allegation of inappropriate sexual behavior, not meeting the definitions of sexual abuse or sexual harassment as defined in this policy that may or may not be designated as a PREA Incident by the PREA Coordinator and the Administrator of Clinical Services or designee.

"SYSC" or the **"John H. Sununu Youth Services Center"** means the architecturally secure juvenile treatment facility administered by the Division for Children, Youth and Families for committed juveniles and detained youth, and for NH youth involved with the NH court system prior to their adjudication.

"YC" or **"Youth Counselor"** means an employee of DCYF who is authorized by the Division to perform functions of the job classification Youth Counselor.

Policy

- I. SYSC Detention is only available for youth who have been court ordered to detention at SYSC.
 - A. Detained youth shall be admitted to SYSC according to the provisions of Policy 2028 Admission Procedure;
 - B. Detained youth shall be assessed for placement on the SYSC Unit that is structured as most appropriate to meet their needs;
 - C. Detained youth shall have therapeutic programming throughout their detention including, but not limited to:
 - 1. Standardized daily routines;
 - 2. An education program based on recommendations and services according to their sending school district;
 - 3. Clinical and rehabilitative services that are individualized to the youth's needs; and
 - 4. Permanency planning in conjunction with the youth's assigned Juvenile Probation and Parole Officer.
- II. Clinical services for detained youth:
 - A. A Form 2197 PREA Vulnerability Assessment Instrument, Beck Suicidal Ideation Assessment and Form 2131 Resident Personal Safety Plan, must be completed within 24 hours of a youth's admission for detention at SYSC if the length of detention will be 24 hours or longer.
 - 1. The CC must notify the Administrator of Clinical Services and the SYSC PREA Compliance Manager via email of any youth determined to be high risk for victimization and/or abuse as determined by Form 2197;
 - 2. The youth's assigned CC must further assess and make recommendations regarding specialized programming for youth determined to be high risk for victimization and/or abuse within 14 days of the assessment; and

3. Any treatment plans (Form 2130) intended to address a youth's high risk for victimization and/or abuse must be emailed to the Administrator of Clinical Services and the SYSC PREA Compliance Manager.
 - B. Assigned CCs shall regularly provide clinical intervention and educational curriculum, and be continuously available to provide crisis intervention services as needed;
 - C. CCs shall cooperatively coordinate services with residential staff; and
 - D. The Administrator of Clinical Services shall:
 1. Conduct an assessment at least annually, to identify the collective service needs of the detained youth population including assessment of specialized programming to meet specific types of acute problems; and
 2. Perform the administrative and programming responsibilities, including monitoring all programs and providing leadership, guidance, and supervision to staff necessary to insure all appropriate treatment needs for the youth are met.
- III. Residential services for detained youth:
- A. Youth Counselors (YC) are available at all times to supervise, support, and assist detained youth with residential and educational services while at SYSC;
 1. YCs are not to discuss issues surrounding youth's alleged delinquent act;
 2. Staff shall advise youth that their conversations are not privileged; and
 3. If a detained youth needs to discuss something confidential or any delinquent act, the YC shall refer the youth to their attorney; and
 - B. The SYSC provides for youth's spiritual needs through Chaplain Services;
 1. Youth may request to meet with the Chaplain by asking their YC; and
 2. The YC may contact the Chaplain directly to request services.
- IV. Educational services pursuant to policy 2200 are available for detained youth:
- A. All detained youth shall attend classes Monday through Friday;
 - B. Any detained youth entitled to special education services through an Individual Education Plan shall be provided these services while attending the SYSC School; and
 - C. The SYSC School provides a curriculum for each subject area but the responsible school district for detained youth has the option to send assignments and materials for any or all subjects if that is determined best for a particular youth.
- V. Emergency medical care is available, including suicide and homicide assessments by clinical and nursing staff when needed.

- VI. Detained youth who have verifiable, prescribed medications from their Primary Care Physician or other licensed medical provider shall be able to maintain compliance with the medication regime through the SYSC Medical Department.
- VII. The SYSC prohibits all sexual abuse, sexual harassment and/or sexual misconduct between detained youth due to age, custody status, state and federal laws, and may discipline detained youth for such activity. The SYSC shall not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced (115.378 (g)).
- VIII. Interventions and disciplinary sanctions for detained youth following an administrative or delinquency finding that a detained youth engaged in youth-on-youth sexual abuse:
 - A. A detained youth may be subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that the detained youth engaged in youth-on-youth sexual abuse or following a delinquency finding of true for youth-on-youth sexual abuse (115.378 (a));
 - B. Any disciplinary sanctions shall be commensurate with the nature and circumstances of the abuse committed, the detained youth's disciplinary history, and the sanctions imposed for comparable offenses by other youth with similar histories (115.378 (b));
 - 1. Although the provisions of the Prison Rape Elimination Act of 2003 (PREA) authorize the use of isolation, the SYSC prohibits the use of isolation as a disciplinary action;
 - 2. See policies 2055 PREA –Immediate Response to Sexual Assault, First Responder Duties and 2100 Rules Violations for more information on disciplinary actions;
 - C. The disciplinary process shall consider whether a detained youth's mental disabilities or illness contributed their behavior when determining what type of sanction, if any, should be imposed (115.378 (c)). See also policy 2100 Rules Violations;
 - D. SYSC shall re-assess a detained youth's need for participation in therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse;
 - 1. SYSC may require participation in such interventions as a condition of access to any rewards-based behavior management system or other behavior-based incentives, but not as a condition to access to general programming or education (115.378 (d));
 - E. SYSC may discipline a detained youth for sexual contact with staff only upon a finding that the staff member did not consent to such contact (115.378 (e)). SYSC staff are prohibited from consenting to any sexual contact with youth by New Hampshire law and shall be prosecuted to the fullest extent allowed for engaging in sexual contact with detained youth; and
 - F. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation (115.378 (f)).